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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ALFRED B. REISCHER TRUST; PHYLLIS
REISCHER, individually and in her capacity as
Trustee for the Alfred B. Reischer Trust; LISA R.
PAYTON, individually and in her capacity as Trustee
for the Alfred B. Reischer Trust; and PAUL
VOYNOW, in his capacity as Trustee for the Alfred
B. Reischer Trust,

Defendants.

Adv. Pro. No. 10-05192 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY
DISMISSAL OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Defendants Alfred B. Reischer Trust; Phyllis Reischer, individually and in her capacity as Trustee for the Alfred B. Reischer Trust; Lisa R. Payton, individually and in her capacity as Trustee for the Alfred B. Reischer Trust; and Paul Voynow, in his capacity as Trustee for the Alfred B. Reischer Trust (“Defendants”) by and through their counsel, Martin B. Shulkin of Duane Morris LLP and Steven Kapustin of Chernow Kapustin LLC (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 3, 2010, the Trustee filed and served the Complaint against Defendants.
2. On April 17, 2015, Defendants served answers on the Trustee.
3. On January 31, 2016, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].
4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding without prejudice, subject to the right of the Trustee to move *ex parte* to re-open this adversary proceeding in the event of an uncured default in the installment payments to seek entry of judgment pursuant to the Stipulation for Entry of Judgment, as set forth in the Settlement Agreement.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

New York, New York
February 16, 2016

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Trust; and Lisa R. Payton, individually and in
her capacity as Trustee for the Alfred B.
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*Attorneys for Defendant Paul Voynow, in his
capacity as Trustee for the Alfred B. Riescher
Trust*

SO ORDERED

Dated: February 16, 2016
New York, New York

/s/ Stuart M. Bernstein
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE